IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

C.O.C.P. No. 397 of 2006.
Date of Decision: October 10,2006.

Baljit Singh Gill & Ors.

....**Petitioners**

through
Mr. R.S.Bajaj, Advocate

Versus

Mr. Y.S.Ratra & Anr.

...**Respondents**

through
Mr. Govind Goel, Advocate.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

This order shall dispose of C.O.C.P. Nos.397, 433,434 and 435 of 2006 as common questions of law are involved in these matters. The facts have, however, been taken from COCP No.397 of 2006.

The petitioners filed CWP No.4480 of 2004 in which directions for their regular promotion on the post of Junior Engineer was sought. The aforesaid promotion was sought by them on the ground that they are Diploma Holder Linemen and were working as such for continuous period but did not get the pay scale of a Junior Engineer. The writ petition was disposed of by this Court on 13.12.2005 in the light of the Board's circular dated 3.5.2005 wherein different quotas for different categories for promotion to the post of Junior Engineers were prescribed. A direction was

issued to the respondents that they shall consider the claims of the petitioners in accordance with the circular dated 3.5.2005.

Alleging non-compliance of the afore-stated order, these contempt petitions have been filed.

In response to the show cause notice, separate affidavits have been filed by Shri Y.S.Ratra, IAS (Retd.), Chairman, and Engineer P.P.Garg, Director (Personnel) of the Punjab State Electricity Board. Mr. Garg has stated that after the circular dated 3.5.2005, a slight modification was made in the promotion policy vide office order dated 21.8.2006 (Annexure R-1). However, 5% quota prescribed for promotion of the diploma holder Linemen has been kept intact. It is averred that after the issuance of the circular dated 3.5.2005 till 12.7.2006, 257 promotions to the posts of Junior Engineers had been made. It is further averred that the process for promotion to 60 posts of diploma holder Linemen including 14 belonging to reserved category, has already been almost completed.

During the course of hearing, Mr. Goel, learned counsel for the respondents, has produced on record a copy of the order dated 26.9.2006 vide which 60 diploma holder Linemen, in terms of the averments made in the aforementioned affidavit, have been promoted.

The question which arises for consideration is as to whether the diploma holder Linemen have been given their due quota of 5% while making these promotions or not. As may be seen, 5% quota has been provided for diploma holder Linemen vide circular dated 3.5.2005. Since 60 diploma holder Linemen have now been promoted by the respondents, it appears that the vacancies falling in their quota in terms of the circular dated 3.5.2005 have been duly filled. Shri Goel further assures that in future also,

depending upon the occurrence of vacancies, promotions of the diploma holder Linemen shall be made as per the quota, if any, prescribed for them from time to time.

In this view of the matter, no further action is required to be taken in these contempt proceedings which are accordingly dropped.

Rule discharged.

October 10, 2006. **(SURYA KANT)**
dinesh **JUDGE**